



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 7/27/00

Agenda Item 3

TO: Planning Commission

FROM: Sheldon McClellan, Senior Planner

SUBJECT: Use Permit No, 99-160-09 – James Pestana (Applicant/Owner) - Request to construct a 5,600-square-foot auto repair garage facility for multi-tenant users and establish a used car lot for retail sales.

The Property is located at 27283 Mission Boulevard, westerly side, approximately 170 feet north of Jefferson Street in a CG (General Commercial) District

RECOMMENDATION

It is recommended that the Planning Commission find that the project is exempt from environmental review, and approve the project subject to the attached findings and conditions.

DISCUSSION

The property is 1.4 acres in size and is approximately 140 feet wide along its frontage with Mission Boulevard and is approximately 447 feet deep. The site is flat and is developed with an auto repair business operating under the name of Jim's Volkswagen Repair by the property owner. A use permit (UP 84-24) for this business was approved by the City on May 7, 1984. That approval allowed the construction of a 2,350-square-foot addition to a building on-site for auto repair that is located approximately 250 feet west of Mission Boulevard along the south property line.

Also located on the site are several other smaller structures that were retained from a previous business on the property. These are listed on the plan as a garage and another one as for auto repair. The 800-square-foot building, opposite the main repair facility, has been leased out to an organization that receives donated vehicles to a charitable organization. The building has been used for doing minor repairs to usable vehicles before they are sold. This business has commenced using the front end of the lot for the retailing of these repaired vehicles, which is in violation of the use permit. The property owner has been notified of the violation and has been requested to resolve the matter by having the business removed from the property.

The area between the buildings and Mission Boulevard is paved and striped for parking. The parking lot is generally only partially filled and contains vehicles that are either waiting for repair parts or are vehicles that have been abandoned by their owners. The applicant states that this has been an on-going problem and that it is difficult to get rid of them. The initial use permit required the installation of 6-foot-high sound walls along both side property lines where there were abutting residences. In other locations, a chain-link fence is used in conjunction with landscaping.

Side yards, up to the repair buildings, and the front yard setback are landscaped. The rear property area (approximately 100 feet) behind **the** buildings was designated as land to be **left** vacant and not to be a part of the original use permit. The owner has recently paved **this** rear area for drainage reasons **and to** keep the weeds down. A gate has been erected between the buildings to prevent vehicles from parking there. On several occasions, staff has seen vehicles within this area. The owner has been informed that this area cannot be used unless the use permit is revised to include its usage and that minimum development standard improvements (erection **of** side and rear yard sound walls, landscaping and irrigation) have been installed, Because of development costs, the owner does not wish to include this area within this use permit.

The existing buildings on the site are diverse in their architectural appearance. The main auto repair garage and office is 16 feet high and is constructed of tan-colored metal with **the** front elevation facing Mission Boulevard being clad in stucco-stone and masonite siding. The two other structures that were existing when the applicant purchased the property are of wood frame construction and incorporate horizontal or vertical wood siding.

Adjacent Land Use And Zoning

- North - Commercial uses (Kawasaki [formerly Yamaha] and auto repair) and nonconforming single-family dwellings (CG)
- East - Across Mission Boulevard is Moreau High School (A) and St. **Clements** Catholic Church (**RH**)
- south - Auto paint shop, auto lubrication, tune-up and repair businesses (CG)
- West - Bowman Elementary School (**RS**)

The new **5,600-square-foot** auto repair garage facility for multi-tenant users is to be constructed at the front of the property just north of the driveway. The proposed used car retail sales lot would be opposite the building along the south property line. The building would be set to the north edge of the parcel and would have no setback from this side property line. The garage measures 40 feet deep by 154 feet long and a height of 19 feet and would be constructed with masonry block with a stucco **finish** on the exterior, The plan shows that there would be six bays that each measure 20 feet wide. The front of the building is positioned just behind the front property line along Mission Boulevard and is to be utilized for a sales office area that measures 33 feet by 40 feet. There will be no vehicular access to this front store area. The owner states that it is unlikely that there would be 6 or 7 different tenants. More than likely, the leases will probably be for double garage bays each.

While the lines and architecture of the building follows its purpose, the proposed commercial structure is in keeping with other similar buildings that are newer along the street. The proposed masonry block construction would be hidden by the exterior stucco coat. Decorative extruded foam molding would be used to articulate the top parapet wall. The walls and molding would be several colors of off-white (oyster). Other decorative features include a rust-colored band above the window line, awnings, a building horizontal wall reveal, and **blue**-colored panel overhang above the pedestrian entries. The large garage vehicular roll-up doors

would also be painted blue. The building will be noticeably different than the structures located at the mid-point of the property. The design of the older buildings was believed by staff to not be desirable as an architectural guideline to be repeated at the front of the property. It was believed that in time the rear buildings might be removed for possible more intense development at the rear of the site. The property is not within the SD-2 Special Spanish Ranch Architectural Overlay District, and therefore, is not required to be of that design motif.

A garbage enclosure is proposed along the west side of the new building. Design details are not provided of the structure except that it will be 6 feet high and constructed of 8-inch block. Staff has conditioned the application to utilize split-face block with a smooth inset block to provide a decorative band to match the building. The structure is also required to have decorative solid-metal access gates and be sized to meet the requirement for disposal material and recycling bins.

The monument sign will be repositioned in the front landscape planter (minimum 10 feet deep along the front edge of the property where the building and driveway do not occur. The monument sign will be 10 feet high and will reflect architectural design elements from the building. It appears that there would be sufficient area for at least two or three businesses to be listed, but not enough for each proposed bay, if leased separately, to be signed on this monument sign.

The parking area is being revised to provide a looped-travelway that accommodates fire engines. The split gate at the front of the property will be removed and only one driveway will provide for both ingress and egress. At the front of the property there is extensive concrete pavement that was placed by a previous user on the property. Much of this pavement will need to be replaced since various sections have been off-set by settling and no longer provides a smooth transition for pedestrians. The parking layout provides for a total of 40 vehicles (12 of these are compact size/13 percent). Required parking for the uses on the property is 30 spaces. It is obvious that the owner and the operators of any new leased area will have to cooperate with the amount of limited parking on the site even though the number of spaces exceeds the requirement by 10 spaces. There is presently a much greater number of parking spaces on the property, and at times, it is difficult to find parking. The project conditions require that long term storage of vehicles on the site not occur and that the owner must be more diligent in having those and abandoned vehicles be removed from the site. In order to provide a more enhanced view of the property from the street, staff recommends and has included a condition of approval that a decorative fence or screen be erected between the used car lot and the area that will have vehicles awaiting repair. The screen could be placed in the planting area that separates the two parking areas.

Furthermore, in order to maintain an attractive project, the conditions of approval have also been drafted that any vehicles on site to be sold, be displayed within the retail sales area only, and that these vehicles be kept clean and kept in an orderly manner and spaced adequately to provide easy pedestrian access to them.

Because the exterior lighting on the property is dated and unattractive, staff recommends that new light fixtures and poles be erected. The development plans indicate that roof mounted pole lighting be used on the new building which staff finds unacceptable.

General Plan and Mission-G&n Neighborhood Plan

The property is within the Mission-Garin Neighborhood Planning area and is designated as Commercial/High Density Residential. This designation is intended to permit **infilling** of vacant and/or underutilized parcels with either commercial uses (including automotive sales and service north of Valle Vista Avenue) uses or high density residential projects where appropriate. A listed strategy under Land Use Considerations policy is to encourage new car sales and other types of automotive-related uses along Mission Boulevard north of the intersection of Mission and the Proposed Route 238. A strategy under the Design and Appearance policy is to upgrade the appearance of Mission Boulevard by considering the following plans and programs: a.) Upgrade design standards for new development; b.) Adopt property maintenance standards to the extent legally possible, c.) Require upgraded landscaping and establish conditions to ensure its maintenance; and d.) Require deep setbacks for uses requiring outdoor storage. The proposed use is consistent with the General Plan and the Mission-Garin Neighborhood Plan and with the City Design Guidelines.

Environmental Review

The project is exempt under the California Environmental Quality Control Act (CEQA) under Section 15332 In-Fill Development, Class 32; when the project meets the conditions of being consistent with the General Plan designation and all applicable general plan policies as well as applicable zoning designation and regulations; when the project is within the City limits on parcels less than 5 acres that are substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare or threatened species; when approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and when the site can be adequately served by all required utilities and public services. Staff believes that the project meets all of these conditions.

Public Notice

On December 8, 1999, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Mission-Garin Neighborhood Task Force members and the California Department of Transportation. The Referral Notice provided an opportunity for persons to comment on the project at the early stages of the submittal. No comments were received.

On July 14, 2000, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Mission-Garin Neighborhood Task Force members and the California Department of Transportation.

CONCLUSION

Staff recommends approval of the proposed use. The project meets the requirements of the Zoning Ordinance and is consistent with both the General Plan and the Mission-Garin Neighborhood Plan. The new building, driveway, landscaping and **signage** will enhance the property frontage along Mission Boulevard.

Prepared by:



Sheldon R. McClellan
Senior Planner

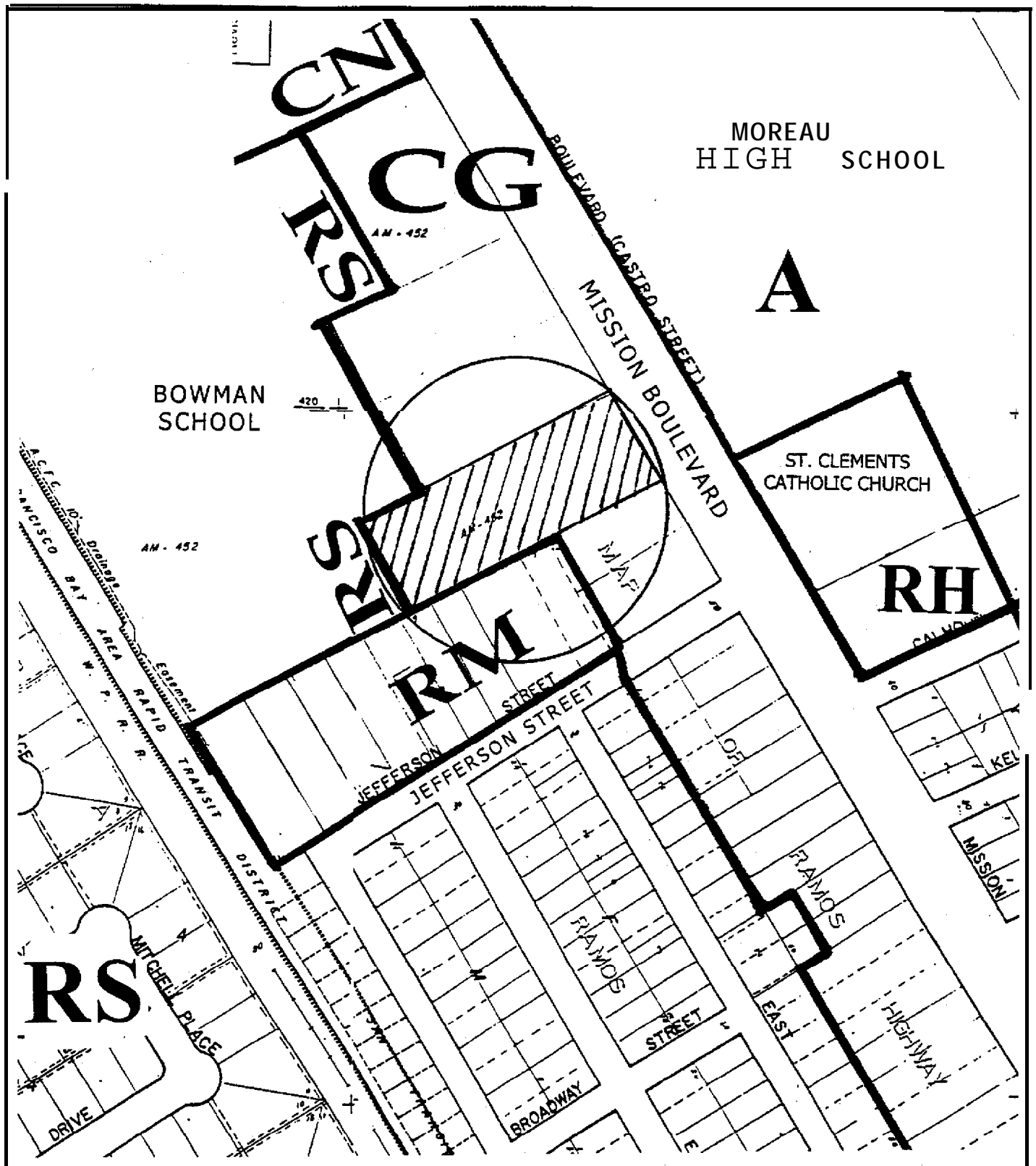
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments :

- A Area Map
- B Findings for Approval
- C Conditions of Approval
- Development Plans



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North
1" = 200'

ZONING / AREA MAP
UP 99-160-09
James Pestana (Applicant/Owner)
27283 Mission Boulevard

ATTACHMENT A

FINDINGS FOR APPROVAL

Use Permit No. 99-160-09

James Pestana (Applicant/Owner)

27283 Mission Boulevard

Request to Construct a **5,600-Square-Foot** Auto Repair Garage Facility for Multi-Tenant Users and Establish a Used Car Lot for Retail Sales.

- A. That approval of Use Permit No. **00-160-09** as conditioned will have no significant impact on the environment, **cumulative** or otherwise, and the project reflects the City's independent judgement and is exempt **from** CEQA review because of it being an in-fill project less than 5 acres within an urban area; and
- B. That the proposed auto repair facility and used car lot for retail sales is desirable for the public convenience or welfare in that the location is near other auto related uses for repair and retail sales of vehicles where comparative shopping may occur;
- C. That the proposed auto repair facility and used car lot for retail sales will not impair the character and integrity of the General Commercial District or surrounding area in that the property is already partially developed with an auto repair business and other auto related businesses are located adjacent to the property; and
- D. That the proposed auto repair facility and used car lot for retail sales will not be detrimental to the public health, safety or general welfare in that the new building and use will be conditionally approved to properly regulate the operating procedures and activities associated with the use; and
- E. That the proposed use is in harmony with the applicable City policies regarding off-street parking, containment of garbage and recycling bins, landscaping **signage**, etc. and that the use conforms to all zoning **requirements** of the General Commercial District.

CONDITIONS OF APPROVAL

Use Permit No. 99-160-09

James **Pestana** (Applicant/Owner)

27283 Mission Boulevard

Request to Construct a **5,600-Square-Foot** Auto Repair Garage Facility for Multi-Tenant Users and Establish a Used Car Lot for Retail Sales.

GENERAL

1. Use Permit Application **No.99-160-09**, request to construct a **5,600-square-foot** auto repair garage facility for multi-tenant users and establish a used car lot for retail at 27283 Mission Boulevard shall be implemented and operated according to these conditions and plans approved by the Planning Commission on July 27, 2000, labeled Exhibit A, as amended by these conditions of approval.
2. This approval is void one year after the effective date of approval (on July 27, **2001**), unless the City has accepted a building permit or construction and demolition permits as complete. Any modification to the approved plans shall require review and approval by the Planning Director. A request for a one-year extension(s), approval of which is not guaranteed, must be submitted to the Planning Division by June 27, 2001.
3. Prior to the finalization of City building or construction permits, and prior to the onset of business operation, all conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
4. Violation of these conditions is cause for revocation of the use permit after public hearing before the duly authorized review body.
5. Applicant shall apply for all necessary building permits from the Building Division. All structures and building improvements must be in accordance with the Uniform Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the Uniform Fire Code as adopted by the City of Hayward.
6. All repair activity shall be conducted entirely within the buildings. No storage of materials, equipment or supplies shall be permitted outside of the buildings.
7. The back portion of the property (approximately 110 feet from the rear property line) shall not be used in conjunction with the operation of any business activity on the property or for vehicle storage unless approved by the Planning.
8. If any further development is to occur on the property, such as building additions, new uses, etc., the owner shall **file** for a new use permit that **shall** be brought back to the Planning Commission for review.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

9. Before issuance of a building permit, the applicant shall submit a revised site plan to the Planning Director for review and approval which includes the following:
 - a. A lighting plan. Parking and display area for used cars retail sales shall be adequately lighted for safety and security as determined by the City Engineer. Said areas shall be provided with a minimum of one foot-candle of light on the parking surface during the hours of darkness. Cut sheets for light fixtures and poles, including height and color shall be submitted for approval by the Planning Director. Light fixtures shall be box-type with a down light. The design of the fixtures and light poles shall be uniform throughout the parking lot. New decorative poles shall be used. The fixtures shall be designed to keep the light from splashing into neighboring residences. All exterior lighting shall be pole mounted with a maximum pole height of 20 feet. Existing light fixtures mounted on the roofs shall be removed.
 - b. A detailed storm drain plan showing existing and proposed storm drain layout.
 - c. A sign program for all buildings and uses on the property. The applicant shall submit a Sign Permit application to the Planning Director for review and approval. Signs shall meet the City's Sign Regulations, including size, number and location, and shall not impede visibility of motorists. The base and framing of the monument sign shall reflect the architectural design, colors and materials of the buildings. All wall signs identifying the various tenants shall use individual channel letters.
 - d. An attractive design for the trash/recycle area, the design of which shall be reviewed and approved by the Planning Director. All refuse containers and recycling containers shall be located within a concrete enclosure with decorative solid metal gates. The enclosure shall be designed in a style compatible with the building architecture, and as approved by the Planning Director. The enclosure shall provide for adequate storage capacity for recyclables including storage space for containers to store paper, glass/plastic/metal beverage containers, and other plastics where these materials are generated. This shall be accomplished to the satisfaction of the Solid Waste Manager prior to issuance of a building permit. The enclosure wall shall incorporate a split-face masonry block with a decorative cap and inset colored band to match the building. No other area of the site shall drain onto this enclosure area.
 - e. Submit a detailed landscaping and irrigation plans, based upon the Preliminary Landscape Plan.
10. The landscaping and irrigation plans shall be prepared by a licensed landscape architect for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance and the following requirements:
 - a. A landscape planter shall be created within the first 10 feet behind the sidewalk except for the placement of the building and driveway and shall incorporate shrubs and trees. The placement of shrubs shall buffer the parking area from the street. Where shrubs are used

for buffering, the type and spacing of shrubs shall create a continuous **30-inch** high screen within two years.

- b. Parking lot trees shall be provided at the rate of one tree per six stalls. Tree specie shall be approved by the City Landscape Architect. Trees shall be planted per City standard SD-122.
 - c. All planting areas shall be a minimum of 5' wide measured inside the curbs, or between the face of wall and inside of curb.
 - d. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
11. Landscaping shall be maintained in a healthy, weed-free condition at ail times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% **dieback**) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
12. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by **fire** codes. No **material** shall be stacked higher than the height of the trash enclosure screen wall and gate.
13. The property owner shall maintain in good repair all **building, exteriors, walls**, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence. The Planning Director shall approve any change in the building exterior color.
14. The project shall comply with the requirements of the Hayward Security Ordinance, dated October 16, 1990.
15. All roof mechanical equipment and any satellite dish shall be fully screened from ground-level view within 150 feet of the property.
16. The project plan shall identify Best Management Practices (**BMPs**) appropriate to the uses conducted on-site in order to limit to the maximum extent practicable the entry of pollutants into stormwater runoff.
17. All on-site storm drain inlets shall be labeled "No Dumping-Drains to Bay".
18. A drainage plan shall be submitted for the site including the paved area at the west end of the parcel.
19. Any work in the public right-of-way requires an encroachment permit.

20. Public telephone(s) shall be located within the interior of the building, unless otherwise authorized by the Director of Community and Economic Development/Planning Director. Any public telephone allowed to be installed on the exterior of the building shall be limited to out-going calls only and shall be located within close proximity to the main entry.
21. A decorative screen shall be erected between the proposed used car lot and parking area to the west where stored vehicles are to be placed.
22. Decorative bollards and a pedestrian barrier or other approved barrier shall be placed along the Mission Boulevard frontage at the rear of the- landscape area.
23. All building material colors shall be approved by the Planning Director.
24. The developer shall pay the applicable Supplemental Building and Improvement Tax.
25. The City of Hayward Utilities Division requirements are as follows:
 - a. Prior to issuance of a building permit, the developer shall submit gallon per minute demand to determine proper meter size. (It is recommended that a separate irrigation meter be installed to avoid sanitary sewer charges on water used for landscaping purposes.)
 - b. The location of the proposed water meter(s) shall be shown on future plan submissions.
 - c. Install Reduced Pressure Backflow Prevention Assembly as per City of Hayward Standard Detail 202.
 - d. City of Hayward Water Distribution Personnel shall perform operation of valves on the Hayward Water System only.
 - e. Water service shall be made available subject to standard conditions and fees in effect at time of application. Rates increase on September 1, 2000.
26. The Fire Department requirements shall be as follows:

ACCESS

- a. Access has been discussed with architect and the lot has been designed with a fire department turnaround. The turnaround is adequate and red curbing shall be provided as indicated on the redlined drawings.

WATER SUPPLY

- b. A fire hydrant shall be installed within the parking lot approximately 120 feet into the lot.

- c. The type of **fire** hydrant shall be double steamer, capable of 5000 GPM @ 20 PSI.

BUILDING CONSTRUCTION/FIRE PROTECTION

- d. The proposed building shall incorporate an automatic fire sprinkler system.
- e. The building shall also meet the California Building Code for Carbon Monoxide Detection and a system shall be installed within the building.
- f. Additional **requirements shall** be addressed at time of fire plan check.

HAZARDOUS MATERIALS

- g. A complete chemical inventory of the business shall be submitted to the fire department for review and possibly additional requirements.
- h. No welding and/or open flame processed shall occur within this building. **Above-**ground storage of flammable and/or combustible liquids shall not be allowed if capacity exceeds 60 Gallons, and/or otherwise approved by the **fire** department.

PRIOR TO THE CONNECTION OF UTILITIES

- 27. The Mission Boulevard driveway shall be relocated to allow clearance from adequate clearance from the existing joint pole. The driveway shall conform to City of Hayward Standard Detail SD-110 (**6-ft.** flares) and shall maintain a minimum clearance of **2-feet** between the joint pole and the edge of the driveway flare.
- 28. The on-site paving shall be repaired or replaced, where necessary, to the satisfaction of the City Engineer. The limits of the improvements shall be determined by the City Engineer.
- 29. Damaged frontage improvements shall be repaired or replaced to the satisfaction of the City Engineer. The limits of improvements shall be determined by the City Engineer.